

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HENRY SOURBRINE,
Plaintiff,

v.

DAVID BYRN,
Defendant.

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CIVIL ACTION NO. 20-CV-0067

FILED

FEB - 5 2020

DEBORAH KIMMAN, Clerk
Deputy Clerk

ORDER

AND NOW, this 5th day of February, 2020, upon consideration of Henry Sourbrine's Motion to Proceed *In Forma Pauperis* (ECF No. 5), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Henry Sourbrine, # 19008409, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the George W. Hill Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Sourbrine's inmate account; or (b) the average monthly balance in Sourbrine's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Sourbrine's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Sourbrine's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of the George W. Hill County Correctional Facility.

4. The Complaint is **DEEMED** filed.

5. Sourbrine's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:



JUAN R. SANCHEZ, C.J.